



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, JULY 22, 2010 3:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, July 22, 2010, in the Commission Chambers at City Hall. Chairman Roland Stults called the meeting to order at 3:30 p.m. The following Commission members were present:

Roland Stults
Jo Ann Heim
Wylie Hamilton
Agnes Berry
Charles Townsend
Edward Schlein

City staff that was present included Bill Wiley, Director; Mike Miller, Planner; Amelia Serrano, Administrative Assistant II, and Mark Brionez, Attorney, sitting in for Fred Morrison, City Attorney.

The meeting opened with an invocation given by Commissioner Agnes Berry and the Pledge of Allegiance to the Flag.

Bill Wiley, Director, informed the audience of the rules of participation and the need to sign the speaker's registry. Bill Wiley also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Amelia Serrano swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR MAY 20, 2010.

Errors were found in the draft copy of the Minutes from May 20, 2010. The errors were corrected after the meeting and will be presented before the board during the August 19, 2010 meeting.

Commissioner Jo Ann Heim moved to APPROVE the minutes once the errors were corrected. Commissioner Edward Schlein SECONDED the motion.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR JULY 22, 2010.

NEW BUSINESS:

- 1. PUBLIC HEARING CASE # 026-0-062410 - NICHOLSON SELF STORAGE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**
AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY .6

+/- OF AN ACRE FROM CITY LOW DENSITY RESIDENTIAL TO CITY INDUSTRIAL FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF THOMAS AVENUE, ON THE NORTH SIDE OF OLIVET AVENUE - (CITY COMMISSION DATES - 1st READING ON AUGUST 23, 2010 AND A 2ND READING ON SEPTEMBER 13, 2010)

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, community redevelopment area map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, site photos, and a plat drawing.

No substantive comments were received from the departments and one public comment was received for approval and noted in the packet.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. This project meets the requirements of Chapter 163.3187(1) (c) Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed Future Land Use Designation of City Industrial is compatible with the adjacent properties to the south and east designated City Low Density and with the properties to the north and west designated City Industrial. In addition, this request does not appear to be detrimental to the surrounding properties.
3. The proposed Future Land Use Designation of City Industrial is compatible with the proposed zoning district of City C-2 (Community Commercial) with a Limited Use Permit.
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Bill Wiley stated the portion on the lot where the storage facility is currently located is nonconforming because of the land use and zoning. The application for the comp plan will clean up the nonconformity, including the vacant house. Expansion of the building will now be possible, but any future expansion will have to meet requirements for site plan and buffering.

Mr. Taylor, the attorney for the applicant, spoke and appreciated the staff and the recommendation of the staff.

Commissioner Edward Schlein made a motion to APPROVE case # 026-0-062410 – NICHOLSON SELF STORAGE – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Wylie Hamilton SECONDED the motion which, PASSED by a voice vote of 6 to 0.

2. **PUBLIC HEARING CASE # 027-1-062410 – NICHOLSON SELF STORAGE – REZONING**
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING

APPROXIMATELY .6 +/- OF AN ACRE FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-2 (COMMUNITY COMMERCIAL) WITH A LIMITED USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF MULTIPLE SELF STORAGE BUILDINGS FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF THOMAS AVENUE, ON THE NORTH SIDE OF OLIVET AVENUE - **(CITY COMMISSION DATES - 1st READING ON AUGUST 23, 2010 AND A 2ND READING ON SEPTEMBER 13, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, proposed ordinance, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, community redevelopment area map, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

No substantive comments were received from the departments, no public responses were received.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. The proposed zoning district of City C-2 (Community Commercial) is compatible with adjacent zoning classifications of City C-2 (Community Commercial) to the north, City R-2 (Medium Density Residential) to the south and east, and City M-1 (Industrial) to the west. The proposed use of City C-2 Community Commercial does not appear to create a detriment to the surrounding properties and would provide some transition from Thomas Ave. and the residential area to the east.
2. The proposed zoning district of City C-2 (Community Commercial) is compatible with the proposed City future land use designation of Industrial.
3. The rezoning of the subject property is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

No further questions or comments were made.

Commissioner Wylie Hamilton made a motion to APPROVE case # 027-1-062410 – NICHOLSON SELF STORAGE – REZONING. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a voice vote of 6 to 0.

3. PUBLIC HEARING CASE # 028-6-062410 - NICHOLSON SELF STORAGE - VACATE

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA TO VACATE LOTS 1 – 7 OF THE BEULAH HEIGHTS SUBDIVISION IN A CITY R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT TO ALLOW FOR THE CONSTRUCTION OF MULTIPLE SELF STORAGE BUILDINGS FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF THOMAS AVENUE, ON THE NORTH SIDE OF OLIVET AVENUE - **(CITY COMMISSION DATES - 1st READING ON AUGUST 23, 2010 AND A 2ND READING ON SEPTEMBER 13, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, community redevelopment area map, and site photo.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

No substantive comments received from the departments, there was a public works comment reference to needing to vacate the easements on the property, but that will be done separately through the city commission. No public responses were received.

Bill Wiley stated the staff recommendation is for approval for the following reason:

1. The area of consideration for vacation - Lots 1-7 of the Beulah Heights Subdivision is undeveloped, a vacant home and a section of existing storage units that are part of the Nicholson Self Storage complex. The subject property is not currently used for public access or use. The subject property is needed for future development and expansion of the existing adjacent self storage complex and should be vacated to allow the property to be included in future construction.

with the following condition(s):

1. Subject to the granting of any necessary utility easements as required by all utility providers.
2. The granting of this vacation does not exempt the applicant from other applicable regulations of the City of Leesburg and other governmental agencies and assessment of the impact fees as necessary for the completion of this project.

No further questions or comments were made.

Commissioner Edward Schlein made a motion to APPROVE case # 028-6-062410 – NICHOLSON SELF STORAGE – VACATE. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 6 to 0.

After the approval was made, Mr. Taylor thanked the board for the continuation from being held last month.

4. PUBLIC HEARING CASE # 032-0-072210 - VALDEZ PROPERTY – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 3.2 +/- ACRES FROM COUNTY URBAN TO CITY GENERAL COMMERCIAL FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 44, JUST WEST OF CABALLO ROAD - (CITY COMMISSION DATES - 1st READING ON AUGUST 23, 2010 AND A 2ND READING ON SEPTEMBER 13, 2010)

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there were two public response for disapproval noted in the packet.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. This project meets the requirements of Chapter 163.3187(1)(c) Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed Future Land Use Designation of City General Commercial is compatible with the adjacent properties to the south and east designated County Urban, with the properties to the north designated City Industrial, County Urban and City High Density Residential and to the west designated City General Commercial. In addition, this request does not appear to be detrimental to the surrounding properties.
3. The proposed Future Land Use Designation of City Low General Commercial is compatible with the proposed zoning district of City SPUD (Small Planned Unit Development).
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Bill Wiley stated all this is subject to the approval of the annexation under 033-4-072210.

Mr. Galbreath was asked by Mr. Stults if he had any comments and he did not have any.

Jo Ann Heim asked what the disapproval comments were that were made. Mr. Wiley explained that there were approval or disapproval locations that could be checked without having a comment.

Mr. Stults asked about the possible location of the people who disapproved the action. Mr. Wiley related back to the fact the when other properties in that area have been brought before the board a major concern has been the traffic on and off of Caballo Road. In the next case we will be talking more about the road.

Mr. Stults wanted to know the use of the property. Mr. Wiley explained Ms. Valdez sold a portion of the land to the Salvation Army and this is the portion next to it. Ms. Valdez wanted this piece also annexed into the city, but had no buyers or purpose in mind.

Commissioner Charles Townsend made a motion to APPROVE case # 032-0-072210 – VALDEZ PROPERTY – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Wiley Hamilton SECONDED the motion which, PASSED by a voice vote of 6 to 0.

5. **PUBLIC HEARING CASE # 031-1-072210 – VALDEZ PROPERTY – REZONING**
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 3.2 +/- ACRES FROM COUNTY A (AGRICULTURE) TO SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW COMMERCIAL USES AS PERMITTED AND LIMITED TO A C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT FOR A PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 44, JUST WEST OF CABALLO ROAD - **(CITY COMMISSION DATES - 1st READING ON AUGUST 23, 2010 AND A 2ND READING ON SEPTEMBER 13, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, SPUD Planned Development Conditions, legal description, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there was one public response for disapproval noted in the packet.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

1. The proposed zoning district of City SPUD (Small Planned Unit Development) is compatible with all adjacent properties zoned City M-1 (Industrial), County R-6 (Urban Residential District), City R-3 (High Density Residential), County CP (Planned Commercial District), County R-7 (Mixed Residential District), County A (Agriculture) and City PUD (Planned Unit Development). This is an area of transition from residential to more intense uses and the proposed zoning as conditioned would provide for transition to the adjacent residential uses. This request does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district of City SPUD (Small Planned Unit Development) is compatible with all adjacent properties and with the proposed future land use designation of City General Commercial.
3. The rezoning of the subject property is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Mr. Wiley then moved into the PUD Conditions for this property. The conditions are the standard ones and the only ones that were highlighted were those that were particular to this property.

The Land Uses, Site Access, and Transportation sections were mentioned in their entirety and they are as follows:

LAND USES

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards.

A. **Uses**

- 1) Uses shall be those listed as permitted uses in the SPUD district including C-I

Commercial uses as limited and shall occupy the approximate area as shown on the Conceptual Plan.

- B. Uses prohibited shall be as follows:
 - 1) All uses not permitted by the SPUD (Small Planned Unit Development)
 - a. convenience store with or without gas pumps
 - b. recreation uses - indoor and outdoor
 - c. bars and lounges
 - d. clubs and lodges
 - e. package stores
 - f. vehicle sales, service and repair

SITE ACCESS

- A. Access to the property is currently from C.R. 44 (South Street) and Caballo Road as shown on the location map. If additional access is requested, approval shall be subject to the City of Leesburg SPUD amendment and Site Plan Application review process.

TRANSPORTATION

- A. Permittee shall make all transportation improvements including but not limited to the intersection of South Street and Caballo Road as required by Lake County, the MPO and the City of Leesburg. Construction of improvements shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application, if applicable. Additional right-of-way along Caballo Road shall be dedicated and provided to make necessary intersection improvements and for widening of Caballo Road.
- B. A traffic/transportation study shall be submitted prior to site plan approval for review and determination of any necessary access improvements, including any offsite improvements required by FDOT, Lake County or the City of Leesburg. Said improvements will be the responsibility of the Permittee.
- C. At the time of site plan approval, the Permittee shall become responsible for their pro-rata share of the cost of the signal(s) as determined by City staff and the traffic study submitted therewith.

The Landscaping and Buffer Requirements were spoken about, but the only highlighted one was:

- B. A six foot high solid fence with landscaping shall be constructed on the southern and eastern boundaries of the property adjacent to residential districts. This will provide a visual and landscape buffer for the adjacent residential properties.

The last item mentioned was under the Miscellaneous Conditions Section and it is:

- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,

improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes. A conceptual plan drawn to scale shall be submitted to the staff for approval prior to any additional development of the site.

After Mr. Wiley was done with the staff recommendations Mr. Stults asked if there were any further questions or comments.

Mr. Schlein commented on how hazardous the intersection already is because of the commercial building on the eastside of Caballo. Mr. Wiley reassured the Commissioners that the building design shown is simply a sketch as to what will be present on property, not the actual site plan.

Mr. Schlein also commented on how narrow and hazardous the Caballo intersection is and suggested the need for exiting the parking lot to take place by taking a left onto Caballo instead of directly onto South St. Mr. Wiley agreed that something needed to be done. He spoke about how a de-acceleration lane has been talked about as well as possible road widening and also how it would be the responsibility of the owner to provide access to South St and to provide necessary improvements that would be needed.

Mr. Stults was concerned along the fencing along east side of property bordering Caballo, just behind the property. Mr. Wiley reassured them that fencing would be on the residential side of the property, not the commercial side.

Commissioner Jo Ann Heim made a motion to APPROVE case # 031-1-072210 – VALDEZ PROPERTY – REZONING. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 6 to 0.

Discussion:

None

The next scheduled meeting date is August 19, 2010.

The meeting adjourned at 4:05 p.m.

Roland Stults III, Chairperson

Jo Ann Heim, Vice Chairperson

Amelia Serrano, Administrative Assistant II